

**AN ORDINANCE
BY CITY UTILITIES COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR OR DESIGNEE TO ENTER INTO APPROPRIATE RAILROAD CROSSING AGREEMENTS WITH CSX TRANSPORTATION, INC. AND NORFOLK SOUTHERN RAILWAY COMPANY ASSOCIATED WITH SANDY CREEK BASIN PROJECTS, PROCTOR CREEK BASIN PROJECTS, SOUTH RIVER BASIN PROJECTS, SUGAR CREEK BASIN PROJECTS, LONG ISLAND BASIN PROJECTS, NANCY CREEK BASIN PROJECTS, PEACHTREE CREEK BASIN PROJECTS, UTOY CREEK BASIN PROJECTS, AND INTRENCHMENT CREEK BASIN PROJECTS ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; ALL COSTS ASSOCIATED WITH SAID AGREEMENTS WILL BE CHARGED TO AND PAID FROM THE APPROPRIATE ACCOUNTS AND CENTERS OF FUNDS 5052 (WATER & WASTEWATER RENEWAL & EXTENSION), 5057 (2001 WATER & WASTEWATER BOND FUND), 5058 (2004 WATER & WASTEWATER BOND FUND) FUTURE WATER AND SEWER BOND FUNDS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") is responsible for maintaining and servicing the City's sewer system and is under stringent time restraints for performing the capacity relief work of the City's sewer system per the Consent Decree and First Amended Consent Decree; and

WHEREAS, the Department of Watershed Management has identified the need at times to enlarge, rehabilitate, and/or realign sewers across or within railroad corridors as part of the work associated with Sandy Creek Basin Projects, Proctor Creek Basin Projects, South River Basin Projects, Sugar Creek Basin Projects, Long Island Basin Projects, Nancy Creek Basin Projects, Peachtree Creek Basin Projects, Utoy Creek Basin Projects, and Intrenchment Creek Basin Projects (collectively, "Capacity Relief Sewer Projects"); and

WHEREAS, some pipelines in association with the Projects need to be located under or across the tracks, right-of-way and property owned or controlled by CSX Transportation, Inc. and Norfolk Southern Railway Company (collectively "Railways") at or near various locations within the Capacity Relief Sewer Projects areas throughout the City; and

WHEREAS, entering into appropriate Railroad Crossing Agreements for these Capacity Relief Sewer Projects on an expedited basis is deemed vital; and

WHEREAS, it is in the best interest of the City to facilitate the implementation of these Capacity Relief Sewer Projects by authorizing the Mayor or her designee to enter into appropriate Railroad Crossing Agreements with the Railways necessary to accomplish the Capacity Relief Sewer Projects without further authorization by the City Council; and

WHEREAS, the Railways are amenable to entering appropriate agreements with the City for completion of the Capacity Relief Sewer Projects pursuant to the terms and conditions of appropriate Railroad Crossing Agreements in substantial form as the agreement attached hereto as Exhibit "A."

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: That the Mayor or her designee are authorized to enter into appropriate Railroad Crossing Agreements on behalf of the City, in substantial form as the agreement attached hereto as Exhibit "A", with CSX Transportation, Inc. ("CSX") and Norfolk Southern Railway Company ("Norfolk") for the Sandy Creek Basin Projects, Proctor Creek Basin Projects, South River Basin Projects, Sugar Creek Basin Projects, Long Island Basin Projects, Nancy Creek Basin Projects, Peachtree Creek Basin Projects, Utoy Creek Basin Projects, and Intrenchment Creek Basin Projects without further authorization of the City Council.

SECTION 2: That the City Attorney, or designee, is directed to prepare appropriate Railroad Crossing Agreements in connection with the Capacity Relief Sewer Projects for execution by the Mayor or her designee.

SECTION 3: That the Agreements will not become binding on the City and the City will incur no obligation or liability under them until they have been duly executed by the Mayor or her designee, as to form by the City Attorney and delivered to the Railways.

SECTION 4: That the costs associated with this Ordinance Shall be charged to and paid from the appropriate Account and Center Numbers associated with Funds 5052 (Water & Wastewater Renewal & Extension), 5057 (2001 Water & Wastewater Bond Fund), 5058 (2004 Water & Wastewater Bond Fund), and future Water and Sewer bond funds.

SECTION 5: That all ordinances or parts of ordinances in conflict with this ordinance are waived to the extent of the conflict.

- ☐ Sugar Creek Basin Projects
- ☐ Long Island Basin Projects
- ☐ Nancy Creek Basin Projects
- ☐ Peachtree Creek Basin Projects
- ☐ Utoy Creek Basin Projects
- ☐ Intrenchment Creek Basin Projects

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

Legislation is required for every project that requires rail road crossing agreements. If this legislation is not processed as to form, then legislation will be required for each individual crossing separately as they are encountered. Processing them one-by-one as they are encountered could adversely impact the construction schedule. This paper allows the Mayor to enter into railroad crossing agreements with CSX Transportation, Inc. and/or Norfolk Southern Railway, as necessary for the continued implementation of the Consent Decree (CSO) and the First Amended Consent Decree (SSO).

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc): .**
- (b) **Source Selection: n/a**
- (c) **Bids/Proposals Due:**

- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

4. Fund Account Center (Ex. Name and number):

Fund: _____ Account: _____
Center: _____

5. Source of Funds: *Example: Local Assistance Grant* Costs associated with this Ordinance will be charged to and paid from the appropriate accounts and centers of Funds 2J21, 2J27, 2J28, and future Water and Sewer bond funds.

6. Fiscal Impact: Costs associated with this Ordinance will be charged to and paid from the appropriate accounts and centers of Funds 2J21, 2J27, 2J28, and future Water and Sewer bond funds.

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery:

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Karen Wagner

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: _____ Maisha L. Wood _____

Contact Number: _____ (404) 330-6887 _____

Originating Department: _____ Department of Watershed Management _____
Committee(s) of Purview: _____ City Utilities Committee _____

Chief of Staff Deadline: _____ February 27, 2008 _____

Anticipated Committee Meeting Date(s): _____ March 11, 2008 _____

Anticipated Full Council Date: _____ March 17, 2008 _____

Legislative Counsel's Signature: _____

Commissioner Signature: Robert J. Hunter ^{sc}

Chief Procurement Officer Signature: _____ N/A _____

CAPTION

AN ORDINANCE AUTHORIZING THE MAYOR OR DESIGNEE TO ENTER INTO APPROPRIATE RAILROAD CROSSING AGREEMENTS WITH CSX TRANSPORTATION, INC. AND NORFOLK SOUTHERN RAILWAY COMPANY ASSOCIATED WITH SANDY CREEK BASIN PROJECTS, PROCTOR CREEK BASIN PROJECTS, SOUTH RIVER BASIN PROJECTS, SUGAR CREEK BASIN PROJECTS, LONG ISLAND BASIN PROJECTS, NANCY CREEK BASIN PROJECTS, PEACHTREE CREEK BASIN PROJECTS, UTOY CREEK BASIN PROJECTS, AND INTRENCHMENT CREEK BASIN PROJECTS ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; ALL COSTS ASSOCIATED WITH SAID AGREEMENTS WILL BE CHARGED TO AND PAID FROM THE APPROPRIATE ACCOUNTS AND CENTERS OF FUNDS 5052 (WATER & WASTEWATER RENEWAL & EXTENSION), 5057 (2001 WATER & WASTEWATER BOND FUND), 5058 (2004 WATER & WASTEWATER BOND FUND) FUTURE WATER AND SEWER BOND FUNDS; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 2/28/08 [Signature] Reviewed by: [Signature]
(date) (date)

Submitted to Council: _____
(date)